

## **REMARKS**

Claims 1-5 and 8-12 are currently pending in the application.

### **I. Objection to the Drawings**

The drawings have been objected to as not showing the claimed “transfer request specification unit”. By this amendment, Applicants note that the claims have been amended by replacing the phrase “transfer request specification unit” with --request judgment unit--. In this regard, Applicants note that Fig. 1 depicts a request judgment unit 133.

In view of the foregoing, Applicants kindly request that the above-noted objection to the drawings be reconsidered and withdrawn.

### **II. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1-5 and 8-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Taniai et al. (US 5,438,665) in view of Johnson (US 6,834,315).

Claim 1 recites the feature of a management information judgment unit operable to judge whether or not the focus request is a transfer request for management information, and on judging that the focus request is a transfer request for management information, judge with reference to the processing order whether or not a transfer request for management information exists before the focus request.

With respect to the above-noted feature, Applicants note that in the Office Action, the Examiner has recognized that Taniai does not disclose or suggest such a feature. The Examiner, however, has taken the position that Johnson cures this deficiency of Taniai (see Office Action at pages 4-5). Applicants respectfully disagree.

In particular, regarding Johnson, Applicants note that this reference discloses a method for managing I/O requests, in which a determination is made regarding a priority associated with each I/O request, with the priority being either a first priority or a second priority (see col. 1, lines 50-55). In this regard, as disclosed in Johnson, the determined priority is related to a priority associated with the application that generated the I/O request (see col. 1, lines 59-61). As further

disclosed in Johnson, if the priority of the I/O request is determined to be the first priority, then the I/O request is transmitted, and if the priority of the I/O request is determined to be the second priority, the transmittal of the I/O request is deferred if there are I/O requests of the first priority currently pending (see col. 1, lines 55-58 and col. 2, lines 7-12).

In the Office Action, the Examiner has taken the position that the above-noted disclosure in Johnson corresponds to the feature recited in claim 1 of a management information judgment unit operable to judge whether or not the focus request is a transfer request for management information, and on judging that the focus request is a transfer request for management information, judge with reference to the processing order whether or not a transfer request for management information exists before the focus request (see Office Action at pages 4-5). Applicants respectfully disagree.

In particular, Applicants note that while Johnson discloses the ability to determine whether an I/O request is a first priority or a second priority, and to transmit the I/O request based on the determined priority, that Johnson does not disclose or in any way suggest the ability to judge whether or not a focus request is a transfer request for management information.

In other words, Applicants submit that the mere disclosure of determining the priority of an I/O request, and transmitting the I/O request based on the determined priority, does not in any way correspond to the ability to determine whether or not a focus request is a transfer request for management information, and on judging that the focus request is a transfer request for management information, judge with reference to the processing order whether or not a transfer request for management information exists before the focus request, as recited in claim 1.

In view of the foregoing, Applicants respectfully submit that the combination of Taniai and Johnson does not disclose, suggest or otherwise render obvious at least the above-noted feature recited in claim 1. Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested.

If the Examiner maintains the above-noted rejection, Applicants kindly request that the Examiner explain which information in Johnson allegedly corresponds to the claimed “management information” so that Applicants are able to make an informed decision with regard

to appeal.

In addition, Applicants note that claim 1 also recites the feature of a transfer judgment unit operable to: (1) judge with reference to the processing order whether or not a transfer request having type information identical to the type information of the focus request exists before the focus request; (2) specify data relating to the focus request as a transfer target when the management information judgment unit judges that a transfer request for management information does not exist before the focus request; and, (3) set a transfer request for management information closest to the focus transfer request, as the focus request, when the management information judgment unit judges that a transfer request for management information exists before the focus request.

Regarding the above-noted feature, Applicants note that the Examiner has taken the position in the Office Action that Johnson discloses such a feature (see Office Action at page 5). Applicants respectfully disagree for the following reasons.

First, with respect to the above-noted indication in claim 1 that the transfer judgment unit is operable to (1) judge with reference to the processing order whether or not a transfer request having type information identical to the type information of the focus request exists before the focus request, Applicants note that the Examiner has taken the position in the Office Action that the ability in Johnson to determine the priority level of the I/O request and to defer transmission of an I/O request having the second priority, corresponds to such a feature (see Office Action at page 5). Applicants respectfully disagree.

In particular, Applicants note that even though Johnson is able to determine the priority of an I/O request, and to defer transmission of an I/O request having the second priority, that there is no disclosure in Johnson of the ability to judge with reference to a processing order whether or not a transfer request having type information identical to type information of a focus request exists before the focus request, as recited in claim 1.

If the Examiner disagrees, Applicants kindly request that the Examiner identify the information in Johnson that allegedly corresponds to the claimed “type information”, and to explain how Johnson judges, with reference to a processing order, whether or not a transfer

request having “type information” identical to “type information” of a focus request exists before the focus request.

Second, with respect to the above-noted indication in claim 1 that the transfer judgment unit is operable to (2) specify data relating to the focus request as a transfer target when the management information judgment unit judges that a transfer request for management information does not exist before the focus request, and (3) set a transfer request for management information closest to the focus transfer request, as the focus request, when the management information judgment unit judges that a transfer request for management information exists before the focus request, Applicants respectfully submit that Johnson does not disclose or suggest such a feature.

In particular, Applicants submit that while Johnson discloses the ability to determine whether an I/O request is a first or second priority, and to transmit an I/O request having the second priority if there are no I/O requests having the first priority, that such an ability does not correspond to the above-noted ability to (2) specify data relating to the focus request as a transfer target when the management information judgment unit judges that a transfer request for management information does not exist before the focus request, and (3) set a transfer request for management information closest to the focus transfer request, as the focus request, when the management information judgment unit judges that a transfer request for management information exists before the focus request.

In view of the foregoing, Applicants respectfully submit that the combination of Taniai and Johnson does not teach, suggest or otherwise render obvious at least the above-noted features recited in claim 1. Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested. Claims 2-5 and 8-10 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Applicants note that by providing the above-noted features recited in claim 1, that when file management information about recording and dubbing is stored in the same area, the management information is updated in the order in which the file system has issued the management information (e.g., see the original specification at page 2, line 24 through page 3,

line 27). Therefore, management information that should be updated later is not updated earlier than management information that should be updated earlier, and as a result, the management information that should be updated later is prevented from being overwritten onto the management information that should be updated earlier. In addition, since management information is not overwritten before recording and dubbing data contained in the management information, the features set forth in claim 1 produce an effect of preventing inconsistency of the file system, which the Taniai and Johnson references cannot resolve. For example, Applicants note that the features set forth in claim 1 prevent the file system from being unable to identify a file during a blackout.

Accordingly, because Taniai and Johnson do not disclose all of the features recited in claim 1, and thus do not provide the above-described effect that is obtained by the features set forth in claim 1, Applicants respectfully submit that claim 1 is not obvious in view of the combination of Taniai and Johnson.

Regarding claims 11 and 12, Applicants note that each of these claims recites the features of judging whether or not the focus request is a transfer request for management information, and when the focus request is a transfer request for management information, judging with reference to the processing order whether or not a transfer request for management information exists before the focus request; judging with reference to the processing order whether or not a transfer request having type information identical to the type information of the focus request exists before the focus request and specifying data relating to the focus request as a transfer target when the management information judgment unit judges that a transfer request for management information does not exist before the focus request and when no transfer request having type information identical to the type information of the focus request exists before the focus request; and setting a transfer request for management information closest to the focus transfer request, as the focus request, when the management information judgment unit judges that a transfer request for management information exists before the focus request

For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that the combination of Taniai and Johnson does not teach, suggest or

otherwise render obvious at least the above-noted features recited in claims 11 and 12. Accordingly, Applicants submit that claims 11 and 12 are patentable over the cited prior art, an indication of which is kindly requested.

### **III. Conclusion**

In view of the foregoing amendments and remarks, all of the claims now active in this application are believed to be in condition for allowance, an indication of which is kindly requested. Should the Examiner believe that there are any remaining issues that must be resolved before this application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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